



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
McCullough et al.

Application Serial No. 10/622,600

Filed: July 18, 2003

ILLUMINATION SYSTEMS AND
METHODS OF USE

) Before the Examiner:
) Alan B. Cariaso
)
) Group Art Unit 2875
)
) Our Ref.: 40031-6
)
)

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO
OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)**

We, Wayne McCullough; Bryan Magee, and Matthew Lykins, declare as follows:

1. We are co-inventors of the subject matter disclosed and claimed in the above-identified application. The above-identified application claims the benefit of U.S. Provisional Patent Application Serial No. 60/397,363 (the "benefit provisional").
2. This Declaration is being submitted to establish completion of the subject matter claimed in the above-identified application in the United States on a date prior to April 29, 2002, which is the filing date of U.S. Provisional Patent Application Serial No. 60/376,413, from which U.S. Patent Application Publication No. US2003/0202341 (the "McClanahan reference") claims priority. The McClanahan reference was cited by the Examiner in a first non-final Office Action issued in the above-identified patent application.
3. The disclosed subject matter associated with Figures 1-10 of the present application was filed with the original filing on July 18, 2003, and in the benefit provisional on July 19, 2002.
4. We conceived of the disclosed subject matter associated with Figures 1-10 of the above-identified application prior to April 29, 2002, which is a date earlier than the filing date noted above of the McClanahan reference.

5. To evidence conception of the disclosure of this application, attached as Exhibit A is a drawing of that subject matter, which drawing was created prior to April 29, 2002. The date of the drawing has been blacked out.
6. Prior to April 29, 2002, the disclosure of this application was successfully reduced to practice. Prior to that date, a device was constructed by way of a method, both of which are disclosed in the present application and the benefit provisional. Attached as Exhibit B are photographs of prototypes of that device.
7. A prototype was tested and found to operate as expected prior to April 29, 2002. Such tests included tests on various batteries and battery life, testing of patterns of illumination for various LED configurations, testing of luminosity of LEDs and particular configurations, testing of various switches, testing reflectivity of light cast by device in aircraft windows, wire testing, and the like.
8. A prototype was demonstrated to a group of our acquaintances in the aeronautics field prior to April 29, 2002, and it operated as expected. The prototype headset was provided to each person, and each person used it. Each person was taken to a darkened helicopter or darkened room to read charts or instrument panels using the prototype. Questions from the group of acquaintances were taken, and we explained the working of the prototype. We believed at that time, and still believe, that all of them appreciated and understood the prototype.
9. Prior to April 29, 2002, inventor Wayne McCullough contacted patent attorney Christopher A. Brown to discuss the prototype devices and methods. In that conversation, Mr. McCullough identified and described the subject matter disclosed in this application and the benefit provisional, and described facts stated above.
10. All acts and events described, identified, or referred to herein occurred in the United States.

11. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 28 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



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